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On 04-02-09
(Date)


Roxy P. Day

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Evans et al.

Serial No. 10/734,587

Filed: December 15, 2003

For: SINGLE DISPENSING FILM STRIP CONTAINER

Art Unit: 3651

Examiner: Rakesh Kumar

REQUEST

To the Director of the Patent and Trademark Office

Sir:

In response to the Office Action mailed February 3, 2009, kindly consider the following:

Kindly withdraw the finality of the office action.

The Examiner has applied a newly cited reference (Lucas) in the rejection of all the claims. However, claims 1, 2, 4-7, 8-10, 15-17 and 20 were not all amended in the Response filed October 6, 2008. The Examiner acknowledges at the bottom of page 3, that the arguments with respect to claims 4-10 and 17 are moot in view of the new rejections, conceding that the other claims are not amended.

The amendment to independent Claims 1 and 15 in the prior Response address the Examiner's 35 U.S.C. 112 rejections in the previous office action but do not change the scope of